POSZ LAW GROUP, PLC

ATTORNEYS AT LAW

12040 SOUTH LAKER DRIVE, SUITE 101
RESTON, VA 20191

TEL: (703) 707-9110
FAX: (703) 707-9112

WWW.POSZLAW.COM

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DAVID G. POSZ
JAMES E. BARLOW *
BRIAN C. ALTMILLER
ROBERT L. SCOTT, II
CYNTHIA K. NICHOLSON
R. EUGENE VARNDELL, JR.*
THERESE B. VARNDELL*
KERRY S. CULPEPPER

DEBRA G. SHOEMAKER, PH.D.**
TETSU YOSHIDA +

** PATENT AGENT
+ JAPANESE PATENT ATTORNEY
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Date: February 8, 2007	**Pages:** 24
To: **U.S. Patent Office** **Office of Finance – Refund Branch**	**From:** David G. Posz
Fax No.: **571-273-6500**	

Applicant(s): LEE.	Attorney Docket No.: 113708.130
Application No.: 10/725,531	Group Art Unit: 2162
Filed: December 3, 2003	Examiner: Jean Corrielus
Title: COMPUTER-IMPLEMENTED METHOD AND SYTEM FOR MANAGING ATTRIBUTES OF INTELLECTUAL PROPERTY DOCUMENTS, OPTIONALLY INCLUDING ORGANIZATION THEREOF	

Sirs,

We respectfully request that your records be checked regarding a $660 that was charged to our deposit account on January 11, 2007 for extra claims and a partial deduction for a 1-month extension of time. You will note from the attached Amendment dated 1/3/2007, that no additional claims or independent claims were added. Originally there were 45 total claims with 4 independent; and currently there are 40 total claims with 4 independent claims.

For the foregoing reasons, it is respectfully requested that $660 be refunded by crediting our deposit account No. 50-1147, if this is not a correct charge. Acknowledgement of receipt and approval of this request are respectfully requested.

Respectfully submitted,

David G. Posz
Reg. No. 37,701

Deposit Account Statement

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Deposit Account Statement

Requested Statement Month:	January 2007
Deposit Account Number:	501147
Name:	POSZ LAW GROUP, PLC
Attention:	DAVID G. POSZ
Address:	12040 SOUTH LAKES DRIVE
City:	RESTON
State:	VA
Zip:	20191
Country:	UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/03	37	10852695	26E-009	1806	$180.00	$5,138.6?
01/03	92	11007630	06-008	1252	$450.00	$4,688.6?
01/03	112	10380420	VX032516 PCT	1251	$120.00	$4,568.6?
01/09	2	11108793	01-898	1251	$120.00	$4,448.6?
01/10	64	10232309	01-336	1251	$120.00	$4,328.6?
01/10	24	10536471	27-007-TN	2633	-$100.00	$4,428.6?
01/11	1	10725531	113708.130 US1	2251	$60.00	$4,368.6?
01/11	2	10725531	113708.130 US1	2202	$500.00	$3,868.6?
01/11	3	10725531	113708.130 US1	2201	$100.00	$3,768.6?
01/11	19	PCT/US06/45123	27-028-PCT	8007	$20.00	$3,748.6?
01/12	77	10329986	11-137	1252	$450.00	$3,298.6?
01/12	73	E-REPLENISHMENT		9203	-$1,500.00	$4,798.6?
01/16	6	10817922	15-050	1801	$790.00	$4,008.6?
01/17	139	11143927	27-014	2453	$100.00	$3,908.6?
01/18	1	E-REPLENISHMENT		9203	-$1,000.00	$4,908.6?
01/18	2	10752584	26A-014	1251	$120.00	$4,788.6?
01/23	82	09875937	K7565.0007/P007	2401	$250.00	$4,538.6?
01/23	1273	76628480	527-004	7004	$150.00	$4,388.6?
01/24	169	11407215	01-499-DIV	1251	$120.00	$4,268.6?
01/24	13	11127320	27-011	1464	-$130.00	$4,398.6?
01/24	29	11481016	53-005	1814	-$130.00	$4,528.6?
01/24	263	11649380	70-001	8007	$20.00	$4,508.6?
01/25	44	10988843	26B-045	1801	$790.00	$3,718.6?
01/25	45	10988843	26B-045	1253	$900.00	$2,818.6?
01/25	89	E-REPLENISHMENT		9203	-$2,000.00	$4,818.6?
01/26	94	10690811	24-009-TB	1202	$150.00	$4,668.6?
01/29	1628	2033429	112033.292 KROLEWSKA	7205	$100.00	$4,568.6?

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LEE	Atty. Dkt.: 113708.130US1
Serial No.: 10/725,531	Art Unit: 2162
Filed: 12/3/2003	Examiner: Jean M. CORRIELUS
Title: COMPUTER-IMPLEMENTED METHOD AND SYSTEM FOR MANAGING ATTRIBUTES OF INTELLECTUAL PROPERTY DOCUMENTS, OPTIONALLY INCLUDING ORGANIZATION THEREOF	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: 3 January 2007

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax. No. 571-273-8300) on 3 January 2007

Typed Name: Cynthia R. Nicholson

Signature: _____

AMENDMENT UNDER 37 CFR 1.111

Sir:

It is noted that the United States Patent and Trademark Office was officially closed on 2 January 2007. Accordingly, no extension fee is due.

In response to the office action mailed 2 October 2006, please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 15 of this paper.

LISTING OF CLAIMS:

1. (Currently amended)   A method for managing a plurality of attributes in association with a plurality of electronic documents and a plurality of attribute types, implemented by a computer system, where an attribute type can have a plurality of attributes, the attributes and the attribute types are ordered in a tree-structure hierarchy, a document can be assigned a plurality of attribute types at a same and/or different level in the hierarchy, a document can be assigned a plurality of attributes for one attribute type, the documents are stored in a first data storage, the attributes are stored in a second data storage, and the first data storage and the second data storage are logically separate and different, said method comprising the at least one of sequential, non-sequential and sequence-independent steps in the computer system of:

(A)   providing a group of a plurality of documents including at least one document;

(B)   ~~providing at least one attribute type, having a plurality of attributes~~ including selecting a plurality of attributes ~~at least one attribute~~ to be associated with the at least one document; and

~~(B)   providing at least one document;~~

(C)   ~~associating~~ for each of the selected attributes, automatically tagging, in the first data storage, the documents in the group including the at least one document, with ~~the at least one~~ each selected attribute, ~~and determining at least one reference corresponding to the at least one document~~ and with all attributes of all ancestors in the hierarchy of each selected attribute ~~(D) associating at least one other document with the at least one attribute and determining at least one other reference corresponding to the at least one other document; and (E)~~ storing, in the second data storage, respective

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references ~~the at least one reference and the at least one other reference~~ in association

with ~~the at least one~~ each selected attribute and the ancestor attributes, for later retrieval

of ~~the at least one document and the at least one other document~~individual documents in

the group, the respective references uniquely indicating respective individual documents

in the first data storage,

wherein a document is a data record including a plurality of fields,

wherein the attribute and the attribute type can be different from the fields in the

document and contents of the fields.

2. (Currently amended) The method of claim 1, ~~further comprising determining at~~

~~least one~~wherein providing the group of documents includes selecting the documents

included in the group of documents responsive to a user~~, the group including the at least~~

~~one document and the at least one other document~~.

3. (Currently amended) The method of claim 2, further comprising the step of

organizing the group of documents, wherein the documents are sorted for visual

presentation ~~organized~~ by ~~at least one of:~~ at least one field therein, wherein the at least

one field is different from the attribute and attribute type ~~and at least one attribute and at~~

~~least one attribute previously~~ associated therewith.

4. (Original) The method of claim 2, wherein the group of documents omits a lapsed

document.

5. (Currently amended) The method of claim 2, further comprising the step of

assigning ~~the~~ at least one of the documents ~~document~~ to at least one other group.

6. (Original) The method of claim 1, wherein the at least one document is at least one

of: XML format, binary format, image data, audio data, an interpretive file, and video

data.

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7. (Currently amended)   The method of claim 1, further comprising searching <u>the</u> <u>second data storage</u> for ~~the at least one document~~<u>documents</u> based on criteria including at least one of the ~~at least one attribute~~<u>attributes</u> and ~~the at least one~~<u>a</u> corresponding attribute type, and using the respective references in the second data storage to locate the documents in the first data storage.

8. (Currently amended)   The method of claim 7, further comprising ~~accessing~~ retrieving the ~~at least one document~~<u>located documents</u> from the first data storage ~~from the at least one attribute and the at least one reference stored in association therewith~~<u>based on the respective references</u>.

9. (Currently amended)   The method of claim 8, further comprising displaying information characterizing the ~~at least one document~~<u>documents</u>.

10. (Currently amended)   The method of claim 1, wherein ~~the~~ at least one <u>of the</u> <u>attributes</u> ~~attribute~~ is associated with at least one user, the at least one document being accessible by a plurality of users including the at least one user, further comprising limiting access to the at least one attribute to the at least one user associated therewith.

11. (Currently amended)   The method of claim 1, wherein the ~~at least one attribute~~ <u>attributes</u> further <u>can include</u>~~includes~~ at least one of: a reference to a URL, a reference to an other file, and user-provided text.

12. (Currently amended)   The method of claim 1, wherein the ~~at least one document and the at least one other document are representative of at least one of~~<u>documents</u> <u>include</u>: an invention disclosure document, a patent document, a trademark document, a copyright document, a product description document, a contract document, a license document, a sui generis protection document, a design registration document, a trade secret document, and an opinion document.

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13. (Currently Amended)   The method of claim 1, further comprising preliminarily
determining, for the ~~at least one~~ attribute ~~type~~types, the plurality of attributes ~~including
the at least one attribute~~.

14. (Canceled)

15. (Currently amended)   The method of claim 1, wherein the ~~at least one attribute
is~~attributes are selected from a plurality of attribute types representative of at least one of:
a product and a service.

16. (Original) The method of claim 15, wherein the plurality of attribute types further
includes at least one of: an actor, a user entity, a current owner, and a project.

17. (Canceled)

18. (Currently amended)   The method of claim 1, further comprising the step of
exporting <u>the tree structure hierarchy including</u> the ~~at least one attribute~~attributes and the
~~plurality of~~attribute types.

19. (Currently amended)   The method of claim 1, further comprising utilizing the ~~at
least one attribute~~ attributes as criteria for at least one of searching, retrieving, reporting,
and viewing the at least one document.

20. (Currently amended)   The method of claim 19, wherein the ~~at least one attribute
is~~attributes can be utilized in combination with ~~at least one of~~: (i) ~~the~~ at least one <u>of the</u>
attribute ~~type~~types, (ii) at least one sub-type of the at least one attribute type, (iii) a
content of at least one field in the at least one document; (iv) a type of at least one field in
the at least one document; and (vi) information derived from the at least one field in the
at least one document.

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21. (Currently amended)   The method of claim 1, wherein the ~~at least one reference corresponds~~respective references correspond to the serial ~~number~~ numbers of the ~~at least one document~~respective documents.

22. (Currently amended)   A method for managing a plurality of attributes in association with a plurality of electronic documents and a plurality of attribute types, implemented by a computer system, where an attribute type can have a plurality of attributes, the attributes and the attribute types are ordered in a tree-structure hierarchy, a document can be assigned a plurality of attribute types at a same and/or different level in the hierarchy, a document can be assigned a plurality of attributes for one attribute type, the documents are stored in a first data storage, the attributes are stored in a second data storage, ad the first data storage and the second data storage are logically separate and different, said method comprising the at least one of sequential, non-sequential and sequence-independent steps in the computer system of:

(A)   providing a group of a plurality of documents including at least one document;

(B)   ~~providing at least one attribute type, having a plurality of attributes including at least one attribute~~selecting a plurality of attributes to be associated with the at least one document;

~~(B)   providing at least one document;~~

(C)   ~~associating~~ for each of the selected attributes, automatically tagging, in the first data storage, the documents in the group including the at least one document, with ~~the at least one~~each selected attribute and with all attributes of all ancestors in the hierarchy of each selected attribute; and ~~, and determining at least one reference corresponding to the at least one document; (D)   associating at least one other~~

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~~document with the at least one attribute and determining at least one other reference corresponding to the at least one other document; and~~ ——— (E) ——— storing, in the second data storage, respective references ~~the at least one reference and the at least one other reference~~ in association with ~~the at least one~~each selected attribute and the ancestor attributes, for later retrieval of ~~at least one of the at least one document and the at least one other document~~individual documents in the group, the respective references uniquely indicating respective individual documents in the first data storage; and

~~(F)~~(D) wherein the at least one document and the at least one other document are representative of at least one of: an invention disclosure document, a patent document, a trademark document, a copyright document, a product description document, a contract document, a license document, a sui generis protection document, a design registration document, a trade secret document, and an opinion document,

        wherein a document is a data record including a plurality of fields,

        wherein the attribute and the attribute type can be different from the fields in the document and contents of the fields.

23. (Currently amended)   The method of claim 22, ~~further comprising determining at least one~~ wherein providing the group of documents includes selecting the documents included in the group of documents responsive to a user~~, the group including the at least one document, wherein the group of documents omits a lapsed document~~.

24. (Currently amended)   The method of claim 22, further comprising searching the second data storage for ~~the at least one document~~documents based on criteria including at least one of the ~~at least one attribute~~attributes and ~~the at least one~~a corresponding attribute type, and using the respective references in the second data storage to locate the documents in the first data storage.

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25. (Currently amended)   The method of claim 22, wherein the ~~at least one attribute is~~ attributes are selected from a plurality of attribute types representative of at least one of: a product and a service.

26. (Canceled)

27. (Currently amended)   The method of claim 22, further comprising utilizing the ~~at least one attribute~~ attributes as criteria for at least one of searching, retrieving, reporting, and viewing the at least one document.

28. (Currently amended)   The method of claim 27, wherein the ~~at least one attribute is~~ attributes can be utilized in combination with ~~at least one of~~: (i) the ~~at least one~~ attribute ~~type~~ types, (ii) at least one sub-type of the at least one attribute type, (iii) a content of at least one field in the at least one document; (iv) a type of at least one field in the at least one document; and (vi) information derived from the at least one field in the at least one document.

29. (Currently amended)   The method of claim 22, wherein the ~~at least one reference corresponds~~ respective references correspond to the serial ~~number~~ numbers of the ~~at least one document~~ respective documents.

30. (Currently amended)   A computer program product, for use in managing a plurality of attributes in association with a plurality of electronic documents and a plurality of attribute types, stored in connection with at least one computer system, wherein an attribute type can have a plurality of attributes, the attributes and the attribute types are ordered in a tree-structure hierarchy, a document can be assigned a plurality of attribute types at a same and/or different level in the hierarchy, a document can be assigned a plurality of attributes for one attribute type, the documents are stored in a first data storage, the attributes are stored in a second data storage, and the first data storage

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and the second data storage are logically separate and different, said computer program product comprising:

  (A) at least one computer readable medium, readable by the at least one computer system;

  (B) instructions, provided on the at least one computer readable medium, for providing a group of a plurality of documents including at least one document;

  (B)(C) instructions, provided on the at least one computer readable medium, for providing at least one attribute type, having a plurality of attributes including at least one attribute selecting a plurality of attributes to be associated with the at least one document; and

  (C) instructions, provided on the at least one computer readable medium, for providing at least one document;

  (D) instructions, provided on the at least one computer readable medium, for each of the selected attributes, for automatically tagging, in the first data storage, the documents in the group including for associating the at least one document, with the at least one each selected attribute , and determining at least one reference corresponding to the at least one document and with all attributes of all ancestors in the hierarchy of each selected attribute; (E) instructions, provided on the at least one computer readable medium, for associating at least one other document with the at least one attribute and determining at least one other reference corresponding to the at least one other document; and (F) instructions, provided on the at least one computer readable medium, for storing, in the second data storage, respective references the at least one reference and the at least one other reference in association with the at least one each selected attribute and the ancestor attributes, for later retrieval of at least one of the at least one document and the

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at least one other documentindividual documents in the group, the respective references

uniquely indicating respective individual documents in the first data storage;

(G)(E) wherein the at least one document and the at least one other document are

representative of at least one of: an invention disclosure document, a patent document, a

trademark document, a copyright document, a product description document, a contract

document, a license document, a sui generis protection document, a design registration

document, a trade secret document, and an opinion document,

_____ wherein a document is a data record including a plurality of fields,

_____ wherein the attribute and the attribute type can be different from the fields in the

document and contents of the fields.

31. (Currently amended)   The computer program product of claim 30, further

comprising instructions, provided on the at least one computer readable medium, for

determining at least one wherein providing the group of documents includes selecting the

documents included in the group of documents responsive to a user, the group including

the at least one document, wherein the group of documents omits a lapsed document.

32. (Currently amended)   The computer program product of claim 30, further

comprising instructions, provided on the at least one computer readable medium, for

searching

the second data storage for the at least one documentdocuments based on criteria

including at least one of the at least one attributeattributes and the at least one a

corresponding attribute type, using the respective references in the second data storage to

locate the documents in the first data storage.

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33. (Currently amended)   The computer program product of claim 30, wherein the ~~at least one attribute is~~ attributes are selected from a plurality of attribute types representative of at least one of: a product and a service.

34. (Canceled)

35. (Currently amended)   The computer program product of claim 30, further comprising instructions, provided on the at least one computer readable medium, for utilizing the ~~at least one attribute~~attributes as criteria for at least one of searching, retrieving, reporting, and viewing the at least one document.

36. (Currently amended)   The computer program product of claim 35, wherein the ~~at least one attribute is~~attributes can be utilized in combination with ~~at least one of~~: (i) the at least one of the attribute ~~type~~types, (ii) at least one sub-type of the at least one attribute type, (iii) a content of at least one field in the at least one document; (iv) a type of at least one field in the at least one document; and (vi) information derived from the at least one field in the at least one document.

37. (Currently amended)   The computer program product of claim 30, wherein the ~~at least one reference corresponds~~respective references correspond to the serial ~~number~~ numbers of the ~~at least one document~~respective documents.

38. (Currently amended)   A system, implemented on at least one computer, for managing a plurality of attributes in association with a plurality of electronic documents and a plurality of attribute types, where an attribute type can have a plurality of attributes, the attributes amd the attribute types are ordered in a tree-structure hierarchy, a document can be assigned a plurality of attribute types at a same and/or different level in the hierarchy, a document can be assigned a plurality of attributes for one attribute type, the documents are stored in a first data storage, the attributes are stored in a second data

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storage, and the first data storage and the second data storage are logically separate and different, said system comprising:

(A)   means, in the at least one computer, for providing a group of a plurality of documents including at least one document;

(B)   means, in the at least one computer, for ~~providing at least one attribute type, having a plurality of attributes including at least one attribute~~selecting a plurality of attributes to be associated with the at least one document; and

(B)   ~~means, in the at least one computer, for providing at least one document;~~

(C)   means, in the at least one computer, for each of the selected attributes, for ~~associating~~ automatically tagging, in the first data storage, the documents in the group including the at least one document, with ~~the at least one~~ each selected attribute and with all attributes of all ancestors in the hierarchy of each selected attribute, ~~and determining at least one reference corresponding to the at least one document; (D) means, in the at least one computer, for associating at least one other document with the at least one attribute and determining at least one other reference corresponding to the at least one other document; and (E) means, in the at least one computer, for~~ storing, in the second data storage, respective references ~~the at least one reference and the at least one other reference~~ in association with ~~the at least one~~ each selected attribute and the ancestor attributes, for later retrieval of ~~at least one of the at least one document and the at least one other document~~individual documents in the group, the respective references uniquely indicating respective individual documents in the first data storage;

~~(F)~~(D) wherein the at least one document and the at least one other document are representative of at least one of: an invention disclosure document, a patent document, a trademark document, a copyright document, a product description document, a contract

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document, a license document, a sui generis protection document, a design registration

document, a trade secret document, and an opinion document,

    <u>wherein a document is a data record including a plurality of fields,</u>

    <u>wherein the attribute and the attribute type can be different from the fields in the</u>

<u>document and contents of the fields</u>.

39. (Currently amended)   The system of claim 38, ~~further comprising means, in the at~~

~~least one computer, for determining~~<u>wherein the means for providing the group of</u>

<u>documents includes selecting the documents included in the</u> ~~at least one~~<u>group</u> of

documents responsive to a user~~, the group including the at least one document, wherein~~

~~the group of documents omits a lapsed document~~.

40. (Currently amended)   The system of claim 38, further comprising means, in the at

least one computer, for searching <u>the second data storage</u> for ~~the at least one~~

~~document~~<u>documents</u> based on criteria including at least one of the ~~at least one~~

~~attribute~~<u>attributes</u> and ~~the at least one~~<u>a corresponding</u> attribute type<u>, and using the</u>

<u>respective references in the second data storage to locate the documents in the first data</u>

<u>storage</u>.

41. (Currently amended)   The system of claim 38, wherein the ~~at least one attribute is~~

<u>attributes are</u> selected from a plurality of attribute types representative of at least one of: a

product and a service.

42. (Canceled)

43. (Currently amended)   The system of claim 38, further comprising utilizing the ~~at~~

~~least one attribute~~<u>attributes</u> as criteria for at least one of searching, retrieving, reporting,

and viewing the at least one document.

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44. (Currently amended)   The ~~method~~ system of claim 43, wherein the ~~at least one attribute is~~attributes are utilized in combination with~~ at least one of~~: (i) the ~~at least one~~ attribute ~~type~~types, (ii) at least one sub-type of the at least one attribute type, (iii) a content of at least one field in the at least one document; (iv) a type of at least one field in the at least one document; and (vi) information derived from the at least one field in the at least one document.

45. (Currently amended)   The system of claim 38, wherein the ~~at least one reference corresponds~~respective references correspond to the serial ~~number~~numbers of the ~~at least one document~~respective documents.

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REMARKS

The applicant acknowledges and appreciates receiving signed copies of the forms PTO 1449 which have been filed in this application.

Claims 1-13, 15, 16, 18-25, 27-33, 35-41, and 43-45 are pending. Claims 14, 17, 26, 34, and 42 are deleted. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claim 44 is objected to. By way of the above amendment, claim 44 is amended to recite a "system" rather than a "method." Withdrawal of the objection is respectfully requested.

Claims 1-45 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. · 6,556,992, Barney et al. ("Barney"). Independent claims 1, 22, 30 and 38 are amended. Support for the amendments is located in the specification as filed, for example, claim 17; page 51, lines 17-19; page 52, lines 4-6; page 53, lines 3-4, 18-21; page 54, lines 16-20; page 55, lines 5-6; page 57, lines 7-8, 16-22; FIG 16; and FIG. 24-26. Insofar as the rejection may be applied to the claims as amended, the applicant respectfully requests that this rejection be withdrawn for reasons including the following, which are provided by way of example.

The application recognizes that personnel may wish to "label attributes of various intellectual properties and related documents of a company, its partners, and/or competitors, and/or to manage the attributes, to utilize attributes in filtering intellectual property documents." (Page 4, lines 9-12.)

Independent claim 1 is directed to a method for "managing a plurality of attributes in association with a plurality of electronic documents and a plurality of attribute types, implemented by a computer system, where an attribute type can have a plurality of attributes, the attributes and the attribute types are ordered in a tree-structure hierarchy, a document can be

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assigned a plurality of attribute types at a same and/or different level in the hierarchy, a
document can be assigned a plurality of attributes for one attribute type, the documents are stored
in a first data storage, the attributes are stored in a second data storage, and the first data storage
and the second data storage are logically separate and different. Claim 1 recites in combination,
for example, "(A) providing a group of a plurality of documents including at least one document;
(B) selecting a plurality of attributes to be associated with the at least one document; and (C) for
each of the selected attributes, automatically tagging, in the first data storage, the documents in
the group including the at least one document, with each selected attribute and with all attributes
of all ancestors in the hierarchy of each selected attribute; and storing, in the second data storage,
respective references in association with each selected attribute and the ancestor attributes, for
later retrieval of individual documents in the group, the respective references uniquely indicating
respective individual documents in the first data storage, wherein a document is a data record
including a plurality of fields, wherein the attribute and the attribute type can be different from
the fields in the document and contents of the fields."   (See also independent claim 22 (a method
for managing a plurality of attributes), claim 30 (a computer program product) and claim 38(a
system).)

Thereby, the method and system can provide that "all of the attributes that otherwise
would have been selected in a step-by-step manner may be assigned simultaneously and
automatically by tagging the intellectual property document or file with not only the selected
attribute(s), but all of the other attributes that are at a level higher than the selected attributes."
(E.g., specification page 58, lines 1-5.)

On the other hand, without conceding that Barney discloses any feature of the present
invention, Barney is directed to a statistical-based rating method and system for assessing the
relative breadth, defensibility, and commercial relevance of intellectual property assets. (Co. 5,

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lines 56-62.) For example, Barney can generate relative ratings or rankings by comparing a first population of patents to a second population of patents to identify prevalent characteristics, which can be used to predict a desired value or quality or future event in patent or group of patents. (Col. 6, lines 2-23.)

The office action asserts that Barney anticipates the invention as claimed. To the contrary, Barney fails to set forth each and every element found in the claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Examples of elements which Barney fails to teach or suggest are discussed below.

Barney fails to teach or suggest, for example, "for each of the selected attributes, automatically tagging, in the first data storage, the documents in the grouping ... with each selected attribute and with all attributes of all ancestors in the hierarchy of each selected attribute." (See, e.g., claims 1, 22, 30, and 38.) Note that "the attributes and the attribute types are ordered in a tree-structure hierarchy," "a document can be assigned a plurality of attribute types at a same and/or different level in the hierarchy," "a document can be assigned a plurality of attributes for one attribute type," and "the document are stored in a first data storage, the attributes are stored in a second data storage, and the first data storage and the second data storage are logically separate and different." To the contrary, Barney cannot automatically tag the documents with an attribute. Barney fails to teach or suggest a hierarchy of attributes and attribute types and hence cannot tag with an attribute as recited. In addition, Barney does not

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provide for tagging the documents with attributes of ancestors as recited, in part because Barney does not teach a tree structure of attributes involving ancestors. Furthermore, Barney fails to teach or suggest tagging "the documents in the grouping" with either the attribute or the attribute's ancestors. It appears that the examiner considers the attribute to be a royalty rate, premium or incremental cost, economic life, cost and availability and quality. Even if such can teach an attribute, it fails to teach or suggest the desirability of tagging a group of patents with the same plurality of attributes.

As another example, Barney fails to teach or suggest both "tagging, in the first data storage, the documents in the group ... with all attributes..." and "storing, in the second data storage, respective references with each selected attribute and the ancestor attributes, ... the respective references uniquely indicating respective individual documents in the first data storage." It appears that the examiner considers the reference to be either generally descriptive product patent information or a numerical rating or ranking of a patent. Barney's descriptive information, metrics, or rating or ranking is not stored with each selected attribute and the ancestor attributes. Moreover, Barney's descriptive information, metrics, or rating or ranking cannot be used to retrieve the document because it does not uniquely indicate individual documents in the first data storage.

Insofar as the inheritance of attributes to ancestors, the examiner argues that Barney discloses that "the at least one attribute type inherits the at least one attribute responsive to an association of the at least one second attribute with the at least one document." (Claim 17, now incorporated into claim 1.) The office action considers the following sections of Barney to be particularly relevant: col. 19, lines 35-43; col. 18, lines 60-65; and col. 10, lines 50-62. These sections of Barney, as well as the rest of Barney, have been closely reviewed, and there is no discussion of anything resembling inheritance caused by associating an attribute with a sub-

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attribute type. It is particularly unclear in the office action what the examiner considers to be a sub-attribute type, since the cited portions of Barney merely discuss estimating the probability of any given patent being litigated, and the two populations of patents.

With respect to the storage of the documents (originally recited in claim 14), there is a typographical error in the citation to Barney (i.e., "col. 4, lines 58-col. 4, line 13"). The discussion of "Market Approach" and "Income Approach" in the vicinity of the citation has nothing to do with storage of documents in a computer system. The examiner is respectfully requested to clarify. In any event, Barney fails to teach or suggest the first data storage and second data storage which are logically separate and different.

Furthermore, the portion of Barney cited as teaching a document (i.e., col. 10, lines 63-66) fails to teach or suggest that the "document is a data record including a plurality of fields" which is tagged with the attributes and ancestor attributes. To the contrary, Barney discusses for example plugging characteristics of a patent into a regression model, which then outputs a score. (Col. 14, lines 59-60.)

Further with regard to independent claim 30 (and its dependent claims), the office action failed to address where Barney specifically teaches any of the recited "instructions, provided on the at least one computer readable medium." The office action appears to cite observations as teaching the recited instructions. For example, Barney Col. 10, lines 55-62 is cited as teaching instructions on a computer readable medium for providing an attribute type. To the contrary, this portion of Barney discusses "the fundamental observation that not all intellectual property assets are created equal" for reasons including cost consumers are willing to pay, economic life of the technology, cost and availability of substitutes, and quality of underlying patent.

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Furthermore, the rejection of claims 30-37 under 35 USC 102(e) is procedurally invalid. The office action simply states that "the limitations of claim 30-37 have mentioned [sic] in the rejection of claims 22-29 above. They are, therefore, rejected under the same rationale." To the contrary, the office action has completely failed to address where Barney teaches the computer program product comprising the "at least one computer readable medium" and the various recited "instructions, provided on the at least one computer readable medium." Because the office action fails to indicate where Barney teaches the computer program product and the various instructions, the rejection of claims 30-37 under 35 USC 102(e) is improper.

Barney fails to teach or suggest, for example, these elements recited in independent claims 1, 22, 30 and 38. It is respectfully submitted therefore that claims 1, 22, 30 and 38 are patentable over Barney.

For at least these reasons, the combination of features recited in independent claims 1, 22, 30 and 38, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Barney clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claims 1, 22, 30 and 38, but also because of additional features they recite in combination.

For example, claim 3 recites that "the documents are sorted for visual presentation by: at least one field therein, and at least one attribute, wherein the at least one field is different from the attribute." Barney fails to teach any such visual presentation of documents. Claim 3 is therefore patentable over the references for this additional reason.

Also, claim 7 recites "searching the second data storage for documents based on criteria including at least one of the attributes and a corresponding attribute type, and using the

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respective references in the second data storage to locate the documents in the first data storage."
(See also claims 24, 32, and 40.) The examiner cites the portion of Barney discussing the
"fundamental observation that not all intellectual property assets are created equal" as teaching
the searching. To the contrary, Barney fails to teach or suggest a search of any data storage for
documents based on criteria, let alone searching the second data storage which stores the
attributes, or that the respective references (stored in the second data storage) are used to locate
documents in the first data storage. Accordingly, claims 7, 24, 32 and 40 are patentable over the
references for this additional reason.

Claim 8, which depends from claim 7, further recites "retrieving the documents in the
first data storage based on the respective references." The office action cites a portion of Barney
discussion a patent marking database with URL to allow users to "hot-link directly to a third-
party web page for each corresponding product and/or associated product manufacturer" as
teaching this. This is clearly completely insufficient with regard to the original or amended
language of claim 8, for example because the office action has not alleged with respect to claim 1
that the third party web page constitutes the documents which have been stored.

As another example, claim 18 recites "exporting the tree structure hierarchy including the
attributes and the attribute types." Barney fails to teach or suggest that the attributes and
attribute types can be ordered in a tree structure hierarchy. Accordingly, Barney further fails to
teach or suggest exporting such a hierarchy. Claim 18 is therefore patentable over the references
for this additional reason.

Applicants respectfully submit that, as described above, the cited prior art does not show
. or suggest the combination of features recited in the claims. Applicants do not concede that the
cited prior art shows any of the elements recited in the claims. However, applicants have

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provided specific examples of elements in the claims that are clearly not present in the cited prior art.
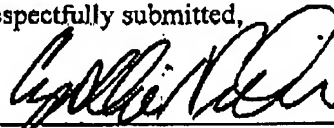
Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

Support for the amendments to the dependent claims is located in the application, for example, page 55, lines 17-20, page 59, lines 1-12, page 54, lines 11-15, and the portions of the application mentioned in connection with the amendments to the independent claims.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

Cynthia K. Nicholson
Reg. No. 36,880

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400

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FISH & RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
02110-2804

Telephone
617 542-5070

Facsimile
617 542-8906

Web Site
www.fr.com

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To   Mail Stop M Correspondence
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From   Gail Brumble
Annuity Coordinator

Re   Fee Address Indication Form

Number of pages
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Message   Please see the attached Fee Address Indication Form regarding the enclosed.

LIST OF PATENT(S)	
Patent Number	Serial Number
7056797	09/829876
7121706	10/758419

HARSHAW IIng
RESEARCH
INCORPORATED

Second and Main
P.O. Box 418
Ottawa, KS 66067
(913) 242-9500

Fax (785) 242-3308

DATE: February 8, 2007

ATTN: REFUND DIVISION

FAX #: 571-273-6500

FROM: Harshaw Research Inc.

Docket No.	66304
Applicant:	Clarence G. Vilhauer
Filing Date:	10/14/05
Issued Date:	1/23/2007
Application No.	11/251,356
Patent Number:	7,165,274
Title:	**System for Removing Odor**

1. Request for Refund of Publication Fee -- Attached

Docket 66304   REFUND DIVISION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Patent Application of	)	**Attn: Refund Division**
	)	571-272-6500
CLARENCE G. VILHAUER	)	
	)	
Serial No. **11/251,356**	)	Group Art Unit 3751
Patent No. 7,165,274	)	
	)	
Filed **10/14/05**	)	Examiner:
Issued 1/23/2007	)	Le, Huyen D.
	)	
For: SYSTEM FOR REMOVING ODOR	)	

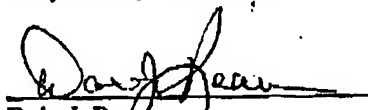## REQUEST FOR REFUND OF PUBLICATION FEE PAYMENT

Assistant Commissioner of Patents
Alexandria, VA 22313

Sir:

The applicant hereby states that the above identified application has issued as a United States patent <u>prior to</u> publication, which occurs 18 months after the effective filing date.

Therefore, the applicant requests that the publication fee of $300.00 which was included with timely payment of the issue fee be promptly refunded through the applicant's representative.

Respectfully submitted,

Date: February _8_, 2007

Dale J. Ream
Registration No. 45,798

Harshaw Research Incorporated

P.O. Box 418
Ottawa, KS 66067
Telephone (785) 242-9500
Facsimile (785) 242-3308

<table>
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<tr><td>I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-6500) on February 8, 2007

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